



July 24, 2019

Mr. Larry Wawronowicz
Director
Tribal Natural Resources Department
Lac du Flambeau Band of Lake Superior Chippewa Indians
P.O. Box 67
Lac du Flambeau, WI 54538

SUBJECT: Petroleum Contamination at the Former Tower Standard Service Site
14267 West State Highway 70, Lac du Flambeau, Wisconsin
DNR BRRTS Activity #03-64-127899

Dear Mr. Wawronowicz:

The Department of Natural Resources (DNR) is writing to acknowledge the receipt of your letter dated April 24, 2019, regarding the Former Tower Standard Service Site. In that letter, you reference a report titled *Update Report* (referred to herein as "the report"), prepared by REI and dated January 7, 2019. Your letter formally objects to the report, and requests that the report be disregarded in its entirety. Your letter goes on to provide reasons for that request. Your letter also requests a meeting with the DNR to discuss this topic. An in-person discussion was held on May 3 at Lac du Flambeau; if the Tribe would like another discussion please feel free to contact us.

Please be aware that the DNR, specifically its Remediation and Redevelopment (RR) Program, is not in a position to reject the report. The report was submitted to update the RR Program on the status of investigative and cleanup activities conducted at the Tower Standard site under Wisconsin Administrative Code chs. NR 700-754. The Wisconsin Administrative Code chs. NR 700-754 series is a self-implementing code, meaning that responsible parties are able to perform work (through environmental consultants) following the requirements in NR 700, and then report to DNR on their actions. DNR's role is to evaluate whether or not the completed work meets the applicable rule requirements, at which time DNR can approve case closure. We can (and do) more explicitly direct site activities in certain situations where responsible parties request that higher level of DNR review and oversight. The request for technical review requires submittal of review fees by the responsible party to the DNR. No review fees were submitted with the report.

In addition, the report is not a decision document within the NR 700 process, meaning DNR was not asked to approve the report. Rather, the report provided a summary of activities, and provided conclusions and recommendations for next steps. In this case, the recommended next step was submittal of a case closure request under Wis. Adm. Code ch. NR 726, which REI submitted on April 26, 2019. An electronic version of the case closure request was made available to DNR and the Tribal Natural Resources (TNR) Department by REI on that date. DNR reviewed the case closure request on May 3, 2019 and requested revisions to the document, along with sampling of nearby private wells. In our review process terminology, the review was "Paused" on May 3, waiting for the revised closure request.

On June 12, 2019, the DNR (and TNR) received the revised case closure request from REI. The DNR's RR Program reviewed the revised case closure request on June 20 and determined that additional information was needed for us to make a decision on case closure, so the review remains "Paused". We relayed our thoughts to

REI and received a revised case closure request on July 1, 2019. The DNR reviewed technical aspects of the most recent version of the case closure request on July 15; we are currently continuing to evaluate that information.

In the meantime, DNR regional supervisor Mr. Chris Saari will ensure the BRRTS on the web database is up to date with the latest communications from REI and DNR pertaining to this site. If you have any questions or have difficulty accessing any documents, please do not hesitate to contact Mr. Saari at 715-685-2920 or at Christopher.Saari@Wisconsin.gov.

Sincerely,



Christine Haag
Director
Remediation & Redevelopment Program

cc: Todd Ambs – DNR AD/8
Darsi Foss – DNR AD/8
James Yach – DNR Rhinelander
Connie Antonuk – DNR Rhinelander
Chris Saari – DNR Ashland
Shelly Allness – DNR AD/8
William J. Nelson – DNR LS/8
Robert Egan – USEPA Region 5
Tony Martig – USEPA Region 5